

ORDINANCE 21-04

AN ORDINANCE AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN OF MILLVILLE AND MEDIACOM DELAWARE LLC

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, the regulations of the Federal Communications Commission, and Delaware law, including Section 31(a)(17) and (18) of the Town Charter, the Town of Millville (hereinafter “the Town”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Town’s jurisdiction (“Cable System”); and

WHEREAS, Mediacom Delaware LLC (“Mediacom”) currently holds a cable franchise from the Town originally granted to Mediacom or a predecessor of Mediacom; and

WHEREAS, Mediacom has requested that the Town renew Mediacom’s franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Town’s residents; and

WHEREAS, the aforesaid rights-of-way used by Mediacom are public properties acquired and maintained by the Town and held in trust on behalf of citizens of the Town and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Town desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically-advanced cable system, establish certain reporting requirements, receive franchise fees for Mediacom’s use of the Town’s rights-of-way as provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Town held a public hearing on the subject of cable franchise renewal, including reviewing the cable operator’s past performance and identifying the Town’s future cable-related community needs; and

WHEREAS, the Town has determined that Mediacom has the financial, legal and technical ability to provide cable services to subscribers located in the Town; and

WHEREAS, the Town, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Mediacom’s franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the Town and Mediacom;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the Town Council does hereby approve the cable franchise agreement negotiated with Mediacom, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 12th DAY OF JANUARY, 2021.

SEAL:

STEVE MANERI, MAYOR

ATTESTED:

BARBARA RYER, SECRETARY
